

*IFW*  
**PATENT**

# **MARK A. GARZIA, P.C.**

A PROFESSIONAL CORPORATION

2058 CHICHESTER AVENUE  
BOOTHWYN, PA 19061-3735

ATTORNEY AT LAW  
*Admitted in PA and NJ*  
*Registered Patent Attorney*

Telephone: 610.485.9400  
Facsimile: 610.485.7660  
E-mail: mark@patentcounsel.net



## **IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT : Kenneth A. Alley

TITLE : SAFETY APPARATUS FOR AUDIO DEVICE  
THAT MUTES AND CONTROLS AUDIO  
OUTPUT

APPLICATION NO. : 10/735,297

FILING DATE : December 12, 2003

EXAMINER : NOT YET KNOWN

ART UNIT : 2621

ATTORNEY DOCKET NO. : ALLE-P10-US

TO: Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

### **INFORMATION DISCLOSURE STATEMENT** **PURSUANT TO 37 C.F.R. §§ 1.56, 1.97 and 1.98**

Sir:

Pursuant to 37 C.F.R. §§ 1.56, 1.97 and 1.98, Applicant hereby submits an Information Disclosure Statement (IDS) for consideration by the Examiner.

I. LIST OF PATENTS, PUBLICATIONS, AND OTHER INFORMATION

The three (3) documents that are being brought to the attention of the Examiner for consideration are listed on Form PTO-1449 (1 pg.) attached hereto.

II. COPIES (check at least one box)

A.  Pursuant to the Official Gazette Notice dated August 5, 2003, the PTO waived the requirement under 37 CFR 1.98 (a)(2)(i) for submitting a copy of each cited U.S. Patent and each U.S. patent application publication for all U.S. national patent applications filed after June 30, 2003, and for all international applications that have entered the national stage under 35 USC 371 after June 30, 2003. Since the subject application was filed after June 30, 2003, submitted herewith is a legible copy of each foreign patent document (0 documents) and each non-patent document/literature (0 documents) listed.

B.  Any patents, publications or other information which are listed on Form-PTO/SB/08A, Form-PTO-1449 or on the copies of PTO-892, but which are not enclosed herewith, were previously cited by or submitted to the PTO in one of the following applications which has been relied upon for an earlier filing date under 35 U.S.C. § 120:

U.S. Serial Number

U.S. Filing Date

C.  Submitted herewith is a legible copy of (i) each U.S. patent application publication and U.S. and foreign patent; (ii) each publication or that portion which caused it to be listed; (iii) for each cited pending U.S. application, the application specification including the claims, and any drawing of the application which caused it to be listed including the claims directed to that portion; and (iv) all other information or that portion which caused it to be listed.

III. CONCISE EXPLANATION OF THE RELEVANCE (check at least one box)

A.  Except as may be indicated below in (B), all of the patents, publications or other information are in the English language (concise explanation not required).

B.  A concise explanation of the relevance of each patent, publication or other information listed that is not in the English language is as follows (see 37 C.F.R. § 1.98(a)(3)):

C.  The following additional information is provided for the Examiner's consideration.

IV. CROSS REFERENCE TO RELATED APPLICATION(S)

A.        The Examiner is advised that the following co-pending application(s) contains subject matter that may be related to the present application. By bringing this (these) application(s) to the Examiner's attention, Applicants do not waive the confidentiality provisions of 35 U.S.C. § 122.

<u>Serial No.</u>	<u>Filing Date</u>	<u>Art Unit</u>	<u>Atty. Docket</u>
-------------------	--------------------	-----------------	---------------------

V. THIS IDS IS BEING FILED UNDER

A.   X   37 C.F.R. § 1.97(b): (check only one box)

1.        within three months of the filing date of a national application other than a continued prosecution application under § 1.53(d) (37 C.F.R. § 1.97(b)(1)). No fee or certification is required.

2.        within three months of the date of entry of the national stage as set forth in § 1.491 in an international application (37 C.F.R. § 1.97(b)(2)). No fee or certification is required.

3a.   X   before the mailing of a first Office Action on the merits (37 C.F.R. § 1.97(b)(3)). No fee or certification is required.

3b.        in the event that a first Office Action on the merits has been issued, please consider this IDS under 37 C.F.R. § 1.97(c) and see the certification under 37 C.F.R. § 1.97(e) below; or if no certification has been made, charge our deposit account a fee in the amount of \$180.00 as required by 37 C.F.R. § 1.17(p).

4.        before the mailing of a first Office Action after the filing of a request for continued examination under 37 C.F.R. § 1.114. No fee or certification is required.

B.        37 C.F.R. § 1.97(c): (check only one box)

•before the mailing date of either any Final Office Action under 37 C.F.R. § 1.113, a Notice of Allowance under 37 C.F.R. § 1.311, or an action that otherwise closes prosecution.

1.        No certification; therefore, a fee in the amount of \$180.00 is required by 37 C.F.R. § 1.17(p).

2.        See the certification below. No fee is required.

C.  37 C.F.R. § 1.97(d): (check only one box)

- after the mailing date of either a Final Office Action under 37 C.F.R. § 1.113 or a Notice of Allowance under 37 C.F.R. § 1.311, yet on or before payment of the issue fee.

1.  See the certification below. A fee in the amount of \$180.00 is required by 37 C.F.R. § 1.311.

VI. CERTIFICATION UNDER 37 C.F.R. § 1.97(e): (if required, check only one box)

A.  each item of information contained in this IDS was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS (See 37 C.F.R. § 1.97(e)(1)); or

B.  no item of information contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this IDS (See 37 C.F.R. § 1.97(e)(2)).

C.  Some of the items of information were first cited in a communication from a foreign patent office. As to this information, the undersigned hereby certifies that each item of information contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS. As to the remaining information, the undersigned hereby certifies that no item of this remaining information contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this IDS.

VII. PAYMENT OF FEES (if required, check only one box)

A.  A check in the amount of \$180.00 is enclosed for the above-identified fee.

B.  Please charge Deposit Account No. \_\_\_\_\_ in the amount of \$180.00 for the above-indicated fee. A duplicate copy of this paper is attached.

C.  Credit Card Payment Form (PTO-2038) is enclosed in the amount of \$180.00 for the above-indicated fee.

This Information Disclosure Statement (IDS) should not be construed as a representation that a search has been made or that no other material information as defined in 37 C.F.R. § 1.56(b) exists. The submission of these documents is not intended to be deemed an admission that they are, or are considered to be, statutory prior art, analogous art, contain matter which anticipates the invention or material to patentability as defined in 37 C.F.R. § 1.56(b). Also, by this listing, the Applicant is not making any admission regarding the relative dates of the invention and listed disclosures.

Some of the documents may have markings thereon. No significance is intended to be attached to the markings. Moreover, no representation is made that any brief descriptions of the references herein necessarily describe the most material aspects of the references.

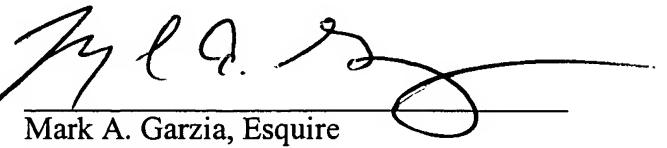
The Examiner is requested to consider carefully the complete text of these documents in connection with the examination of the above-identified application in accordance with 37 C.F.R. § 1.104(a). It is requested that the document listed on the attached Form PTO-1449 be included in the "References Cited" portion of any patent that may issue from this application (M.P.E.P. § 1302.12), and that the Examiner initial and return a copy of said form to evidence consideration of the document.

It is believed that this IDS complies with the requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98 and the Manual of Patenting Examining Procedures § 609. If it is determined that this IDS has been filed under the wrong rule, the PTO is requested to accept this IDS under the appropriate rule and to contact the undersigned by telephone promptly so that any deficiency may be remedied.

Respectfully submitted,

Kenneth A. Alley

Date: 22 JUNE 2005

  
Mark A. Garzia, Esquire  
Registration No. 35,517  
Attorney for Applicant

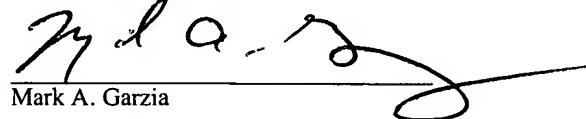
Law Offices of Mark A. Garzia  
2058 Chichester Ave.  
Boothwyn, PA 19061  
Telephone: (610) 485-9400

CERTIFICATE OF MAILING

I hereby certify that this communication, along with any paper or fee indicated as being enclosed, is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.

22 JUNE 2005

Date

  
Mark A. Garzia



Form PTO-1449 U.S. Department of Commerce  
(REV. 8-93) Patent and Trademark Office  
**INFORMATION DISCLOSURE CITATION**  
(Use several sheets if necessary)

Application No. 10/735,297  
Filed: December 12, 2003  
Inventor: Kenneth A. Alley  
Atty. Docket No.: ALLE-P10-US

## U.S. PATENT DOCUMENTS

## FOREIGN PATENT DOCUMENTS

		Document Number	Date	Country	Class	Subclass	Translation
--	--	-----------------	------	---------	-------	----------	-------------

**OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)**


EXAMINER	DATE CONSIDERED
----------	-----------------

**\*EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.**